

IDAHO STATE ELECTRICAL BOARD MEETING

May 13, 2004

MINUTES

Note: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

The Idaho State Electrical Board held a meeting at the Red Lion Templin's Hotel, "Merganser Room", located at 414 East First Avenue, Post Falls, Idaho on May 13, 2004, and was called to order by Chairman Stephen Keys at 8:05 a.m. Those attending were:

ELECTRICAL BOARD

MEMBERS: Stephen L. Keys, Chairman
Gregory Ford
Chris Jensen
Lee Riley
Al Frieze
Sherm Akers
Tom Brown

ELECTRICAL BOARD

MEMBERS EXCUSED: Dale Pippitt
Mark Nielsen

DBS-ELECTRICAL

BUREAU STAFF

MEMBERS: Dave Munroe, Administrator
Gary Malmen, Electrical Bureau Chief
Kim McDonald, Electrical Administrative Assistant
Kay Manweiler, Deputy Attorney General
Jeff Fitzloff, Electrical Inspection Supervisor
Tom Loudin, Region #1 Supervisor

VISITORS PRESENT:

Bob Corbell, IEC/HVAC
Jim Bledsoe, Jim's Heating
Joe Andre, UL
Jeff Cates, Idaho Chapter, NECA
Robert Franssen, Franssen's Electric
Susie McDonald, N. Id College
Mark Labolle, U of I
Benny Antunes, IBEW
Gary Driesel, IBEW, LU# 449
Dann Waters, Mountain Signs
Chuck Williams, N Id College
Russell Hill, IBEW, LU# 449
Andy Ponder, Stratford Bldg Corp

Chris Compton, N Id College
J Kevin Vogel, Crescent

MINUTES

Mr. Sherman Akers made a MOTION to accept the minutes of February 19, 2004, as written. The motion was seconded by Mr. Greg Ford and passed by the board, unanimously.

LEGISLATIVE SESSION 2004 REVIEW

Chairman Keys directed the board starting on page 2 of the board packet, regarding the first piece of Legislation, HB525 – the Qualifications and restrictions for all State and Municipal Electrical Inspectors. Mr. Bob Corbell stated this bill failed in the House Committee, which should have been written to clarify, Municipal Inspector's are required to be certified, not necessarily qualified. Mr. Gary Malmen added, (starting on page (4) of the packet), the City of Boise Municipal Code/Ordinance basically had the same requirements as HB525. A letter dated April 28, 2004, (Attachment A), written by Mr. Jim Schmer, Chief Electrical Inspector for Boise City Planning & Development Services, stated that the City of Boise Electrical Ordinance defines, in part: Only Inspectors that are certified by whatever means the State Electrical Board deems appropriate, is acceptable for the City of Boise. Chairman Keys asked for any questions. In hearing none, proceeded to the next item.

HB529 – Master Electrician, (Page 7 of packet), this bills amends the existing law, IC 54-1007, to require four (4) years of work experience, in place of two (2) years, as a licensed, Electrical Journeyman qualifying for a license as a Master Electrician, in order to enhance proficiency within the profession. This bill passed. Mr. Corbell commented that there has become great concern in regards to imposing a requirement for the Master Electrician on the Contractor's license. Mr. Malmen referenced in the same letter, as mentioned prior: (Attachment A) which states, in part: the City of Boise, Electrical Section would like to recommend acceptance to the Master Electrical Inspector Certification, to the State of Idaho, Electrical Board. Chairman Keys stated this issue would be addressed later in today's meeting, asking for any questions. In hearing none, he proceeded to the next item.

HB585 – Modular Buildings, (page 10 of packet) which amends and adds to the existing law relating to modular buildings manufactured in Idaho that are to be exported to another state, will be exempt from various building, electrical and plumbing requirements, (exemption from licensing and inspection laws and rules), for those exported buildings. This bill also defines authorization for Division of Building Safety, DBS, to conduct building, electrical and plumbing inspections upon request by other jurisdictions, and from manufacturers, thus issuing inspection tags for those inspections. This bill passed. Chairman Keys asked for any questions. In hearing none, proceeded to the next item.

HB672 – Electrical Contractors/Journeyman, (page 18 of packet), which amends and modifies the existing law to reflect the scope of the most current NEC. This amendment was to identify current electrical applications covered by the NEC, as well as exemption to those installations covered in codes other than the NEC. This bill provides licensing exemptions for maintenance electricians as well as owner residential property, thus reflecting the definitions with the current NEC, deleting Idaho Code, (IC) 54-1016 Exemptions. Chairman Keys stated this bill failed. Mr. Corbell stated the main reason this bill failed was utility companies such as: (Idaho Power, Avista and Qwest communication worker requirements reflect the NEC). The intent of this bill was to bring communications in under the Electrical Bureau's laws and rules. The interpretation between the IBEW Union workers verses the utility communication workers, was unclear as to who would perform the electrical work. Qwest was not in favor of this bill however, Idaho Power was

supportive hoping to work toward future meetings to address the issues. NEC covers communications and that is where it belongs. Mr. Benny Antunes commented that the utility, communication-workers are believed to be in objection however, the IBEW workers were misinformed as to what electrical work was their jurisdiction. IBEW is interested in looking at the solutions to this issue. In the future, if meeting activity is conducted, maybe we can all work together to clarify the jurisdictional work, and then address ID 54-1016.

HB1396 – Appropriations for Division of Building Safety, DBS (page 23 of packet), appropriates an amount of: \$10,923,900.00 within (DBS) for fiscal year 2005, which is primarily dedicated funds and limits the number of full-time equivalent positions to 132.1. This bill passed. Chairman Keys asked for any comments. Mr. Dave Munroe, Division Administrator, stated this was the first year the appropriations were approved without any holdbacks and was very pleased with the outcome. The previous year, the Division was held back 13 vehicles, within all Bureaus. Chairman Keys asked for any further comments. In hearing none, asked if there were any additional, industry related bills, deferring to Mr. Bob Corbell.

OTHER INDUSTRY RELATED BILLS

Mr. Corbell informed the board of additional bills proposed this year, which have an in-direct effect with DBS. HB814 - Building Contractor License, sponsored by the Home Builder's Association. Primarily the issue was Building Contractors, who perform jobs for \$1,500.00 or less, would be exempt from licensing and inspections. However, 90% of complaints to the Better Business Bureau, (BBB), are for jobs (\$1,500.00, or less), which fall under that exemption. This bill failed.

HB756 Building Code Adoption. Effective July 1, 2004, for all of DBS, excluding Electrical and Plumbing Bureaus'. This legislation would accept the 2003 International Building Code, Energy Conservation Code. Also would adopt the 2003 International Mechanical & Fuel Gas Codes. This would keep the International Codes intact, as a group of Codes. This bill passed.

HB1343 – HVAC Specialty Journeyman and Apprentice Bill adds to, (and) amends existing law identifying the qualifications for HVAC installations in residential, as well as commercial facilities. Also, this bill establishes rule-making authority for civil penalties when approved by the legislature, and requires Municipalities to contact DBS, for those Municipalities who do not employ a full time inspector. This rule failed.

Chairman Keys asked for any further comments. In hearing none, moved on to the next item for discussion regarding IDAPA 07.01.03.012.01 – Apprentice Electrician Requirements (d) and (e) Continuation Training, (page 27 of the packet), which was previously approved by the board at the February 19, 2004, Board meeting. The rule defines (d) An Apprentice Electrician, who completes the number of instructional hours and has not passed the Journeyman's examination, within two (2) years of completion of instructional training shall provide proof of continuation training, (registration in an approved fourth year apprenticeship class), in order to re-register as an Apprentice. (e) An Apprentice Electrician, who has not advanced in the apprenticeship training for a period of two years, shall provide proof of completion of continuation training (registration in an approved year of apprenticeship class that the apprentice is eligible to attend, or repeat of the last apprenticeship class attended), in order to re-register as an apprentice.

This temporary rule would be in effect as of: July 1, 2004, (giving the Apprentice Electrician two (2) years from July 1, 2004 to comply with this requirement). Since the February, 2004 board meeting, the Deputy Attorney General, (DAG), Kay Manweiler has reviewed this rule, making only clarification revisions and

was given as a handout to the board, (Attachment B). There was some discussion regarding (d) defining proof of continuation training, (provide proof of registration – 1st year and, provide proof of completion of continuation training – 2nd year). Therefore, this revision would proceed with the promulgation process.

The Board felt the best way to inform the industry of the Apprentices' continuation-training requirements would be by facilitating through the apprenticeship programs (1st through 4th year school), in the fall of 2004. Mr. Gary Malmen, Electrical Bureau Chief informed the Board this information would also be sent through the apprentice registration mailings. Chairman Keys asked for any questions. In hearing none, moved on to the next item for discussion.

Master Electrician Experience Requirements. IDAPA 07.01.03.014, effective July 1, 2004. Applicants who apply for a Master Electrician License must have at least four (4) years experience working as a Licensed Journeyman, as provided in (IC) 54-1007. Chairman Keys asked the Board for any comments or questions. In hearing none, he proceeded with the Master Electrician/Electrical Contractors License Requirements. IDAPA 07.01.01.014 Industrial Accounts, IDAPA 07.01.03.015 Qualifications for Contractors, and IDAPA 07.01.04.017.02 Modifications of Qualifications. The revisions to such rules would define: any present Supervising Journeyman hired by an Electrical Contractor would not be required to hold a Master Electrician License. However, any Electrical Contractor, who replaces their current Supervising Journeyman (after the rule is in effect), is required to replace them with a licensed Master Electrician. Such revision would upgrade the requirements, (enhance the knowledge-experience of the trade), in obtaining an Electrical Contractor's license. Mr. Sherm Akers asked what are the benefits in holding a Master license? Chairman Keys commented that currently, it was personal satisfaction. Chairman Keys asked if an Idaho, Master Electrician would be able to reciprocate, without requirements? Mr. Malmen commented that this is a good point. Mr. John Powell, -Oregon has inquired several times, asking if (and) when Idaho would have Master Requirements, (increasing the work experience from 2 to 4 years, enabling a Master license to obtain a Contractor's license, to reciprocate). This would give Oregon the opportunity to initiate a reciprocal agreement with Idaho. Mr. Malmen commented, the majority of reciprocal states would be receptive to such requirements, (more conducive for reciprocity). After some discussion, the Board felt this would raise the standards to improve the industry, facilitating meetings, (holding the initial, (first) meeting in conjunction with the August 11, 2004, board meeting in Meridian). To follow, possibly two additional meetings throughout the state, having Bureau support, to get a consensus by the Industry. The Board would follow-up with a potential notice of intent of a negotiated/permanent rule, addressing the implementation of the four (4) year master license. Ultimately, this rule would require the publication to be ready by August 2005, for effective date: July 1, 2006. Mr. Al Frieze made a motion to pursue a negotiated rule, using the draft pages 29 and 30, (in board packet) as the beginning draft. Mr. Greg Ford seconded the motion and was passed by the board, unanimously.

After break at 10:30 a.m., Chairman Keys called the meeting to order, and addressed the next item (board packet page 31), Electrical Well Driller/Water Pump Installer, Effluent pump installations for residential septic systems – IDAPA 07.01.04.014.06. This rule change allows Specialty Electrical Licensees' in the Well Driller/Pump Installer category, to install residential effluent pumps under certain conditions. This was a result of NFPA Article 820 revisions de-classifying residential effluent, grinder and ejector pumps as non-hazardous locations, (not more than 5-dwellings). It was the Bureau's recommendation to revise the Administrative Rule accordingly, which is more restrictive than Article 820. As on page 32, (of board packet), the Board voted and approved this revision, February 19, 2004, Board meeting, Meridian, Idaho: (d.) Individual Residential Wastewater Pumping Units; Install, maintain, repair and replace all electrical equipment, wires and accessories from the pump motor up to, and including the disconnecting device for

systems that serve one (1) and two (2) family residential installations. Chairman Keys commented that the rule would proceed as promulgated and proposed. He asked for any questions. In hearing none, proceeded to the next item.

Administrative Rules Reflecting the Current (physical) Address-in Meridian: 1090 East Watertower Street, Meridian, Idaho 83642, within IDAPA 07.01.01 – IDAPA 07.01.08 – and IDAPA 07.01.11. The Deputy Attorney General, (DAG), Kay M., informed the Board that the Office of Administrative Rules has asked Division of Building Safety, (DBS) to update all rules within the Division, which is in the process now.

Chairman Keys addressed Electrical Journeyman Examinations and Re-examinations IDAPA 07.01.05.011.03, (packet, page 33), and deferred to Mr. Malmen, Electrical Bureau Chief. Mr. Malmen explained, if the individual fails the examination a third time, this revision reflects an alternative to waiting one (1) year from the date of the third-failed, examination. The option is: Provide proof, (satisfactory to the board), of completion of the minimum of (24) hours of board-approved, related electrical training (or) continuing education, since the date of the third-failed, examination.

Before being re-examined after any further failures, an applicant must wait until the expiration of an additional one (1) year from the date of the failed examination, (or) provide proof, (satisfactory to the board), of completion of (32) hours of board-approved related electrical training (or) continuing education since the date of the failed examination. The enclosed draft reflects those modifications. Chairman Keys asked if there were any questions. In hearing none, Mr. Chris Jensen made a MOTION to accept this draft, as explained by Mr. Malmen. Mr. Sherm Akers seconded the motion and was passed by the Board, unanimously.

Pole-Mounted Luminaire Wiring – IDAPA 07.01.06.011.01d, (packet, pages 34 through 37). Chairman Keys explained that this temporary rule, previously approved by the Board on November 6, 2003, would expire in one (1) year, November 6, 2004, thus reverting back to the NEC requirements. This requirement is defined as: The disconnect must be remotely located else where on the premises. Chairman Keys stated that Mr. Dave Munroe, Administrator for Division of Building Safety, was holding a meeting on Monday (afternoon), May 17, 2004, with the Building Contractors Association, Southwestern Idaho, Inc. (BCA), Developer's Council. This was the Homeowner Association's opportunity to state their concern and ask questions. *(Editor's Note: After this meeting, a letter was given to the Electrical Bureau, (Attachment C copy), dated May 18, 2004, by the BCA Association, requesting a date change of the upcoming board meeting, originally scheduled for August 12, 2004, in Sun Valley, to August 11, 2004 in Meridian, Idaho. The BCA Council members' purpose was to attend this next board meeting, in discussing the upcoming changes regarding the rule.*

Chairman Keys addressed the next item for discussion: Boise State University (BSU) Heating, Ventilation and Air-Conditioning, (HVAC) Electrical Specialty Training Program request by Mr. Chris Miller, HVAC Program Management. The official request was sent by email on February 18, 2004 to Mr. Malmen, (starting on packet pages 38 through 41) for Board Consideration and Approval of meeting one-year, of the two-year work experience requirement, for qualification for a specialty license. (An apprentice attends this program (school), for 9 months, if accepted by the Board, would be acknowledged and credited (equate), toward the two (2) year apprenticeship requirement, in obtaining an electrical specialty Journeyman license. Currently, there are no training requirements for the specialty license. This program covers laboratory experience and theory classes designed to emphasize on the servicing of commercial and residential equipment. The training hours specific to electrical is approximately 300 hours per semester combined by

lab, class and field training. Chairman Keys stated this program would be a way to ensure that the individual's hours would be monitored. Mr. Jim Bledsoe, with Jim's Heating, was present today in Mr. Miller's behalf. Mr. Bledsoe explained his research within different areas of the state, (Idaho Falls, Twin Falls, Boise, Lewiston and Moscow), regarding Specialty Licensing Program, (school), finding the Electrical Contractor/Specialty Journeymen, are in favor of this program. Mr. Miller arrived, and approached the Board explaining the program curriculum consists of: O.S.H.A, Lab, NEC, and Ohm Laws. After further discussion, the Board felt the amount of instruction-hours taken, (1-year), following successful completion, would equate to (1-year) of experience toward the 2-year requirement. This program would be used as Pilot-Program for two (2) years, to be tracked by the Electrical Bureau, which consisted of: (registration and scores), starting in the fall of 2004. Any curriculum/structure changes or modifications to the program would need to be reviewed by the Electrical Board. Also, the student is required to be registered with the State of Idaho, Division of Building Safety, Electrical Bureau as a Trainee, to be given the credit, as well as Mr. Christopher Miller's counter signature for verification purposes.

Chairman Keys deferred the Board to Electrical Certification for Master Electrical Inspectors – sponsored by NFPA/IAEI, (packet page 52), which was presented by Mr. Jeff Fitzloff, Electrical Inspection Supervisor, until Mr. Quesenberry's arrival. Mr. Fitzloff informed the board members the new program is combined efforts by National Fire Protection Agency, (NFPA), which educates activities focused on motivating, and enabling the public to learn and practice injury-avoiding behaviors. Along with: International Association of Electrical Inspectors, (IAEI), which emphasizes on producing qualified Inspectors. This new certification Program promotes electrical safety benefiting the Electrical Inspectors' enhancement of proficiency in performing their job. Mr. Fitzloff explained that he was asking the Board for approval/acceptance of this certification for the Electrical Bureau Inspectors. This program is equivalent to the Master Electrician requirements and currently, is available for \$50.00 per year, per individual. Otherwise, will be available after August, 2004 for \$250.00 per year. This acknowledgement would be an addition to the IAEI certification, and the State testing within Division of Building Safety, which are the individual's financial responsibility. After brief discussion by the Board, they felt the certification program was beneficial and acceptable for the Inspectors. Mr. Greg Ford made a MOTION to accept this acknowledgement. Mr. Al Frieze seconded the motion and was passed by the Board, unanimously.

At 11:35 a.m., Chairman Keys addressed the agenda item, Mr. Robert A. Quesenberry's request-letter, dated April 27, 2004, asking to speak to the Idaho Electrical Board, through his attorney, Mr. Michael E. McNichols, Clements, Brown & McNichols, PA. regarding the Idaho Electrical Apprenticeship/Journeyman requirements, (board packet pages 44 through 51). Chairman Keys continued to explain that Mr. Quesenberry had submitted an application for an Electrical Journeyman license on February 2, 2001 to the Electrical Bureau, (EB), in Idaho.

February 14, 2001, the (EB) notified Mr. Quesenberry in writing, explaining that his application could not be approved because he had not registered with the State of Idaho as an Apprentice, and work experience as such could not be verified, (constant, on-the-job-training), to be considered to take the Idaho State Journeyman's exam.

November 19, 2001, Mr. Quesenberry registered as an Apprentice, submitting 1,225 hours.

July 23, 2003, Mr. Quesenberry renewed his Apprenticeship registration, submitting 2,074 hours, totaling 3,299 hours.

January 22, 2004, Mr. Quesenberry submitted a Journeyman Electrician application by reciprocity from Oregon.

January 26, 2004, Mr. Quesenberry was informed by the (EB) explaining the application for license by reciprocity with Oregon, could not be approved because the experience submitted to Oregon was the same experience that had previously been submitted to Idaho, which was not registered-time. Therefore, Mr. Quesenberry would be required to complete the remaining 4701 hours of registered (on-the-job-training), to be considered in taking the Idaho State Journeyman's exam, per Idaho Code 54-1007.

At the present Board meeting, Mr. Quesenberry handed out, to all board members, a letter dated May 13, 2004, (Attachment D, pages 1 through 8), and proceeded to give his statement to the Board by explaining his work-background as an Electrician. He registered in 1989, through the Potlatch Corporation, under the Federal Bureau of Apprenticeship Training, (BAT) program, completing the Apprenticeship training requirement of 8000 hours, receiving his certification in 1993 by Lewis Clark (LCSC), school of Technology. In the 1980's and 1990's, the Bureau of Occupational Licenses indicated they had facilitated these requirements to the industry, however Mr. Quesenberry stated he had not been informed of such requirements. He believed his 15 years of experience is (at least), equivalent to an individual with 4 years of experience. Mr. Quesenberry stated that his understanding of the NEC Code intent is to keep those inexperienced and un-trained, from receiving an Idaho Electrical license. Mr. Quesenberry asked the Board members, (in their authority, under the Code), to grant him the Journeyman's Electrical license. Mr. Quesenberry stated that the status of his Oregon license is under investigation by the Oregon Electrical Board, due to the hours reported to Idaho were incorrect, and would continue to be on hold pending the State of Idaho, Electrical Board's decision of Mr. Quesenberry's license, in today's Board meeting. After some discussion by the Board, Chairman Keys stated his concern, questioning whether or not the Board has a solution to this situation, under the Board's authority.

Kay Manweiler, Deputy Attorney General, (DAG) asked Mr. Quesenberry if he had documentation regarding the status his Oregon license, because in order for the Idaho Electrical Board to consider this license application by reciprocity, the individual's license has to be: 1. Active, (and) 2. Held for one (1)-year, in good standing. It is the Idaho Electrical Board's understanding that the Oregon Electrical Board has stated Mr. Quesenberry's license is on a "Hold" status. Kay further added that until Idaho understands the "hold" status of the Oregon license, the Idaho Electrical Board could not address Mr. Quesenberry's license application, by reciprocity. Chairman Keys asked Mr. Quesenberry to provide documentation to Mr. Dave Munroe, Administrator, showing the original date the Oregon license was issued, and showing the license was "active-status", continuously, until the "hold-status" was placed on the Oregon license. Chairman Keys thanked Mr. Quesenberry for his statement, informing him that there would be a decision made, once he provided the requested information.

Editor's Note: A draft letter dated June 17, 2004, was given to the Electrical Bureau, on June 18, 2004, regarding Mr. Quesenberry's license decision, please see (Attachment D, page 6, 7 & 8).

Chairman Keys addressed the next agenda item, Fiscal Reports, asking Mr. Gary Malmen, Electrical Bureau Chief to assist. Mr. Malmen proceeded in explaining the reports, (packet pages 54 through 57) February,

FY2004. Enclosed in the board handouts, for March and April's FY2004 Fiscal Reports. Currently, as of April 30, 2004, the percentages of monies that have been spent within the Electrical Bureau Appropriations are: 82.2% - Personnel Cost, (PC), 88.2% - Operating Expenses, (OE).

On the FY2004 Electrical Bureau Revenue/Expense Report, Ending balance (Reserve Fund) is \$1,528,091.92. The FY2004 Revenue/Comparison Report-Inspections and graph reflect \$305,170.00, which is fairly healthy due to License fees, i.e. Contractor, Apprentice and Specialty training Registrations.

Chairman Keys asked for any questions. In hearing none, Mr. Malmen commented that the Electrical Bureau had previously been approved, (appropriations) for three (3) Inspector positions, and one (1) currently, has been filled in the Northern Idaho Region. The Bureau will be hiring the remaining two (2) Inspectors, which will bring the Bureau back in line regarding revenue/expenditures. Mr. Greg Ford addressed if the Bureau would hire a full time temporary to fill the position for Mr. Al Caine, Electrical Bureau Licensing/Clerical Supervisor, to assist the Bureau. Mr. Malmen stated those job duties are being broken down and deferred to other employees: Jeff Fitzloff – Clerical Supervisor, Cindy Dalby and myself will also be doing some of Mr. Caine's job duties, as a temporary solution. This would not be a long-term (18-month) solution, by any means. Also, the Bureau has another Employee, Charla Jensen, who has been out for approximately one (1) month and will be out for an additional six (6) weeks. Those job duties consisted of: researching permits, Inspector's workload and additional statistics. This has additional impact on the Bureau and will require long-term hiring. Chairman Keys asked for any other questions. In hearing none, proceeded to the next item on the agenda.

Chairman Keys directed the Board, to the Compliance Program review and Civil Penalties, asking Mr. Malmen for assistance. Mr. Malmen informed the Board members that Mr. Kelly Park, Wy-Idaho Plumbing was in the board packet pages 72 through 78, for board information. Mr. Malmen proceeded with the Civil Penalties, (board packet pages 79 through 81), explaining that normally the Bureau provides a diagram/chart showing Civil Penalties, however it is not included in this information due to the staffing shortage within the Bureau.

Mr. Jeff Fitzloff continued to explain the process of Civil Penalty-example's: An Electrical Inspector goes out in the field and finds Apprentices working without supervision, (or), an Electrical Contractor is found by an Inspector working without a license and failure to permit. The Inspector fills out a Notice of Violation, (NOV), issues the NOV to the individual(s), listing the non-compliance violations. The NOV is listed in the Electrical Program and is researched for any previous violations. If it is a verbal warning, a letter is sent to the individual. If there is previous violations found, (justifiable-information), the Civil Penalty is routed to the Bureau Chief and Administrator, for approval and signature, following a letter explaining the Civil Penalty assessment and dollar amount, payable within ten (10) days. This gives the individual the option to appeal the civil penalty. The Board members clarified by asking if the first time is a written warning.

Chairman Keys addressed a concern with licensed contractors abusing the system by: knowingly performing the work, understanding the laws and rules, and continuing this practice because the perception is, compliance will not be enforced. Allowing a verbal warning (first time) to the Electrical Contractors is wrong, and it is affecting the whole program.

Mr. Jeff Cates, NECA, agreed, emphasizing the awareness is specifically in the residential areas. The Civil Penalty fees, (cost), aren't enough to make a difference to the contractor. Mr. Malmen informed the Board specifically to one compliance issue. Mr. Al Caine inspected a job location that had several Apprentices

working without a supervising Journeyman. Civil Penalties were issued to the contractor and a violation letter was sent to the Apprentices, informing them this was in violation of the law. The Administrator, Dave Munroe stated a warning letter is a good, first-step. The first Civil Penalty assessed, is: \$200.00. Any further Civil Penalties can be up to: \$1,000.00, each offense. Mr. Bob Corbell re-iterated Jeff Cates statement, when the HVAC Board addressed their Civil Penalties, comments were made that the Civil Penalties are not a concern by contractors, nor are they taken seriously. The Board felt the compliance issue would need some thought and would table the issue until after lunch, today.

Chairman Keys asked for any further comments. In hearing none, addressed the next item for discussion.

Mr. Doug Soderquist, Engineer Manager for T-L Irrigation Company previously sent a letter dated February 3, 2004 addressed to Mr. Malmen, and copied to the Electrical Board, requesting the Hydraulic Powered and Low-Voltage DC, Control Circuits on the T-L Irrigation equipment, I.E. valves and controls, be excluded from the electrical portion of the installation and inspection requirements. The request was based on the irrigation equipment not having safety or complex electrical issues and the current requirement causes undue financial burden. *Editor's note: At the previous electrical, board-meeting, February 19, 2004, Chairman Keys suggested that Mr. Jeff Fitzloff, Inspection Supervisor, research and investigate this issue, (12-volt and 24-volt Control generator-powered, systems), for board discussion and consideration at this current meeting.*

Mr. Soderquist demonstrated by power point presentation to the board, clarifying T-L Irrigation equipment, (similar to other types of farm equipment, tractors, combines and other agricultural equipment), using mechanical or hydraulic powered, and low voltage monitors and controls.

This presentation illustrated the difference between T-L driven control systems, with the electrical driven control systems. This type of system is Hydraulic, (oil), powered and, either manually controlled, or electrical controlled, hydraulic components, which are designed for 12-volt DC or 24-volt DC devices. Mr. Soderquist concluded by stating, this type of system is excluded from American Society of Auto Engineers, (ASAE), Standard 362.2 reading: Wiring and equipment for electrically driven or controlled irrigation machines, also are excluded from the NEC, Article 675- electrical driven or controlled irrigation machines. The only components that require the installation, permitting and inspection requirements are the electric panel and motors, per NEC, Article 508A. On behalf of T-L Irrigation, we are requesting the Idaho State Electrical Board and Bureau consider the limited voltage/current circuits in this 508A panel, and their use on these irrigation systems, be excluded from the inspection requirements.

Chairman Keys opened the table for questions and comments to the Board. In hearing none, Mr. Malmen thanked Mr. Soderquist for the presentation stating the Electrical Bureau is not opposed to the 24-volt DC, coming from the generator battery, used as a control device. Mr. Fitzloff added, any electrically driven or controlled portion of the equipment installation, supported by an (original power-source), would be required to follow the Electrical Bureaus' laws and rules, and be UL listed, meeting the requirements of the NEC, A 675-Electrically driven, or controlled irrigation machines. After further discussion, the Board members felt this needed further research, ensuring this installation complies to the NEC Code requirements, tabled the issue until the next scheduled, board meeting, Ketchum, Idaho-August 12, 2004.

Chairman Keys re-addressed Bureau compliance, (earlier discussed and tabled for board, feedback and ideas). Mr. Ford asked Mr. Malmen if the Bureau had looked at inspecting 75% of total inspections,

(random-inspections), such as Occupational Safety and Health Administration, (OSHA), Star Contractors who demonstrates through voluntary compliance, tracking requested inspections with a minimal number of recordable incidents to (OSHA), by special paper trail. Mr. Malmen stated that the present rule states that inspection fees cover the costs of inspections for that respective permit, which ensures the inspection. There was general discussion as to what other states are presently doing such as Washington having a small work permit, (low voltage, which ensures 1 out of 5 or 10 inspections. Municipalities, such as Boise City has a program with the fee basis same for the permit, not guaranteeing an inspection. The Board clarified this liability would fall back on the contractor who performed the installation. Chairman Keys stated that the perception has been if an inspector approves an installation, this ensures warranty of the job. This has never been correct. The electrical inspector is a second set of eyes, reviewing the overall electrical installation.

Chairman Keys asked for any further concerns/comments regarding compliance. Due to departure flight schedules approaching quickly, this meeting would need to move along quickly.

Dann Waters with Mountain Signs, Specialty Electrical Contractor# SC 23609, addressed the Board with a compliance issue regarding Specialty Electrical Contractors are required to be licensed. However, sign shops, etc., will request a (third-party bid), on the sign-installation, but perform sign installation themselves, (sign company), or hire a sub-contractor to perform the work, which are not licensed.

Mr. Malmen informed Mr. Waters that Sign Companies normally bid on a sign and hire a licensed, Sub-contractor, to do the installation. IDAPA 07.01.03.015.03(b) Electrical Contracting Work is clearly defined as: *Any person or entity providing or offering to provide electrical contracting services, including, but not limited to, submitting a bid shall be considered as acting or attempting to act as an electrical contractor and shall be required to be licensed.* Chairman Keys stated the Electrical Board's concern is when an individual, or builder, etc. solicits a bid for an electrical sign, (work), they will need to be licensed as an electrical contractor, or would need to hire a licensed, electrical contractor, who is qualified to perform the work.

Mr. Waters shared his opinion, the seller of electrical signs should be required to have UL listed components. Also, the bidder and (or) sign shops should be required to be licensed.

Mr. Sherm Akers asked Chairman Keys for the status of: Mr. Brad Hill, Desert Electric, packet pages, (82 through 88), specifically to how the fines were reduced. Chairman Keys informed Mr. Akers without board input, and is completed. Mr. Akers stated that these civil penalties had been going on for 10-years, which should have received a license suspension and civil penalties. Chairman Keys informed Mr. Akers and board that this was the direction the issue was going.

Mr. Malmen clarified that this licensee had two (2) separate issues: Civil Penalties appealed within the correct time frame and, original direction was license suspension. Chairman Keys commented, the solution was to be presented for Board input, and signed by the Chairman. This decision was signed by Mr. Munroe, which is questionable regarding that authority. Mr. Akers further commented this individual was a complaint by the industry.

Mr. Malmen addressed a question to the Board (earlier tabled), regarding the cost of a first violation-warning letters, and fines. What does the Board want the minimum dollar amount set for? Chairman Keys stated it should be the costs of the inspection. Further discussion by the board, resulted with the consensus of the first violation, \$100.00. Mr. Malmen explained the Civil Penalty process given by a power-point

presentation. The Bureau takes this very seriously, screening the Notice of Violation, (NOV), written by the Inspector, review the substantiation of the NOV, and review proper documentation. Also, review the individual's past records, (has there been 3 or more NOV's within the last year), if so, the Civil Penalty is higher. After all issues are reviewed, the recommendations are written on a work sheet and given to the Administrator, for final discussion and approval.

Chairman Keys asked for any old or new business. Mr. Malmen addressed new business, regarding similar licensed individuals such as, Mr. Caine called to active duty and deployed to Iraq for 18 to 24 months, can jeopardize their license renewal during the individual's absence. The current law does not define what can be done to eliminate licenses from becoming at a revival-status. Chairman Keys stated Ms. Kay Manweiler had verified that the governor, for those individuals called to active-duty, has placed this as an executive order.

Division Request - Mr. Mark Dubolt, University of Idaho, addressed the Board commenting it was unfortunate the Administrator left, because this issue would benefit Dave Munroe directly. The process of constructing a state-building. We hire designers to structure the layout of the building, then the plans are sent to Meridian, Division of Building Safety. Once the different Bureau's approve the plans, the job goes out for bidding to the building contractors. Once the Building contractor has been selected, the electrical, plumbing, etc. permits are taken out and installations are completed for inspections. An additional section within the Division, (Industrial Safety), has come in stating the certificate of occupancy will not be issued due to the building requirements not meeting the Idaho State, code requirements. When the plans are sent to the Division, the process should be taken to each respective Bureau at that time, so corrections, etc. are addressed at the time of the bid. This created a hold-up on the building and several thousands of dollars. Mr. Dubolt requested that when the plans for a building are sent to the Division, that all Bureau's review the project at that time to eliminate this problem. Chairman Keys suggested Mr. Dubolt present this issue to Mr. Munroe and the issue will be addressed. Mr. Dubolt had further questions regarding the Industrial Safety Code requirements, Chairman Keys directed Mr. Dubolt to that Bureau directly. Mr. Sherm Akers made a MOTION to adjourn. Mr. Greg Ford seconded the motion and was passed by the Board, unanimously. The meeting adjourned at 3:00 p.m.

DAVE MUNROE
Secretary of the Board

DATE

KIM MCDONALD
Minutes Recorder

DATE